

**City of Somerville Licensing Commission
Regular Meeting by Remote Participation
Monday, March 15, 2021, 6:00 pm**

**DRAFT OF THE
Minutes of the Regular Meeting
Monday, March 15, 2021
Posted Monday, May 17, 2021 at 9:00am**

The meeting was called to order at 6:01pm. Present were Commissioners, Lynch, Allen and Lindgren, Secretary to the Commission Lori Batzek, Capt. Sullivan and Lt. MacLaughlan, members of the Fire Dept., Sgt. Chaille, a member of the Police Dept., City Clerk, John Long, Members of the City Staff, Applicants and members of the public.

The meeting adjourned at 7:52pm

A recording of this meeting is available online

Pursuant to Governor Baker's March 12, 2020 Order suspending certain provisions of the Open Meeting Law, G.L. C. 30A, s. 18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, as well as Mayor Curt tone's Declaration of Emergency, dated March 15, 2020, this meeting of the Licensing Commission will be conducted via remote participation. We will post an audio recording, audio-video recording, transcript, or other comprehensive record of these proceedings as soon as possible after the meeting on the City of Somerville website.

COMMUNICATIONS

1. Minutes of January 25, 2021 Regular Meeting

The Commission approved these minutes

2. Minutes of February 22, 2021 Regular Meeting

The Commission approved these minutes

3. Alcoholic Beverages Control Commission Advisory regarding the lifting of the 40% cap on seating capacity:
 - On February 25, 2021, Governor Charlie Baker announced that the state will move into Phase 3, Step 2 of its reopening plan. A description of this phase and step of the plan can be found at www.mass.gov/info-details/reopening-massachusetts.
 - Beginning Monday, March 1, 2021, licensees that sell alcohol for on-premises consumption are no longer subject to a 40% cap on seating capacity in their establishments; capacity will be limited only by the requirement of six feet distance

between tables. Musical performances may begin again as well, so long as 6-foot distancing between customers' tables is maintained.

- These licensees are reminded that the 90-minute time limit per table and table capacity of 6 people remain in effect, as well as the requirement that food must be served with alcohol orders.

- Food courts must remain closed during this phase of reopening.

- As reminders, licensees for on-premises consumption may continue to make alcohol sales for take-out orders until February 28, 2021, or until the end of the COVID-19 state of emergency, whichever comes later. Licensees with outdoor seating that was approved pursuant to Executive Order 35 may continue their outdoor operations until Order 35 is rescinded by the Governor. (Issued February 26, 2021)

The Commission made note of this advisory and it will be filed.

3a. Communication from the Administration with respect to re-opening capacity limits: Somerville Remains in Limited Phase 3, Step 1 Reopening; Capacity Limits Stay Status Quo *Easing of outdoor performance restrictions expected:*

- The City of Somerville is remaining in reopening Phase 3, Step 1 until at least March 30 and capacity limits in Somerville businesses will remain at 25% or the limit set in the business's City-approved health and safety plan until further notice.

- National health experts including Drs. Anthony Fauci and Rochelle Walensky of the CDC have repeatedly in recent days and weeks called on states and municipalities to not prematurely open businesses and activities as the nation faces the risk of another surge and the spread of new more transmissible variants of the virus. Although COVID-19 case rates have been mostly declining, they still remain at levels much higher than in the summer. Additionally, rates of cases, deaths, and hospitalizations are currently at levels seen in the fall when the Commonwealth and the City experienced a second surge.

- The City is actively and closely monitoring local and state data, the progress of vaccinations, vaccine equity concerns, and the guidance of experts. Somerville will move to allow additional activities and further openings when it is determined to be safe to do so. Meanwhile, preparation for reopening continues with a streamlining of related municipal processes underway designed to facilitate reopening's when they become safer.

- "We are encouraged by current data trends and rising vaccination rates. We are hopeful that after we get through the holding period called for by the CDC that we will be able to move responsibly and safely into the next phases of reopening," said Health and Human Services Director Doug Kress. "But embracing hope does not warrant abandoning caution. Just as we are eagerly looking forward to reopening, we are just as committed to holding on until more of our most vulnerable are vaccinated and scientists better understand what impacts the variants may bring."

- Due to the relatively lower COVID-19 risk of some outdoor activities versus those conducted indoors, the City is also actively considering new guidance to permit certain outdoor performances and commercial activities. This includes performances in public and commercial outdoor spaces such as outdoor dining. Some of these options are subject to approval by the Licensing Commission. Updates will be announced when finalized and if approved.

- Until such time, Somerville continues to hold the limit on attendance at gatherings to no more than 10 persons until further notice. The limit applies to both indoor and outdoor gatherings of any kind unless otherwise specifically permitted by City activity-specific guidelines or City-approved health and safety plans.

The Commission made note of The City of Somerville communication to stay at 25% seating capacity and it will be filed.

4. Alcoholic Beverages Control Commission Advisory regarding musical performances at licensed establishments:
 - On February 25, 2021, Governor Charlie Baker announced that the state will move into Phase 3, Step 2 of its reopening plan. Part of this phase and step of the reopening plan permits musical performances, so long as 6-foot distancing between customers' tables is maintained.
 - The Massachusetts Department of Labor Standards has clarified that, while musical performances are permitted at licensed establishments for on-premises alcohol consumption, singing is not permissible indoors as part of these performances.
 - Singing is permissible outdoors, provided licensees comply with the following requirements:
 - 1) there must be a minimum of 10 feet between performers, and
 - 2) there must be a minimum of 25 feet between performers and first row of the audience.
 - Please be aware that plexiglass barriers cannot be used to reduce the required distance between performers or between performers and the audience.
 - Licensees can find further guidance on this phase and step of the reopening plan, including musical performances, at www.mass.gov/info-details/reopening-massachusetts. (Issued March 5, 2021)

A lengthy discussion was held on this Communication from the City. Economic Development Director Thomas Galligani was available for questions on this matter. Chairman Lynch took item # 13 out of order to discuss. Chairman Lynch mentioned the minimum distance requirements and took item # 14 out of order to discuss. Director Galligani spoke on the Somerville Covid 19 Outdoor Performance Policy.

Please see notes from Item #13 & Item #14 pertaining to discussion on this advisory. The commission made note of this advisory and placed it on file.

5. Status of Communication from Chairman Lynch dated 2/16/21, urging the Commission to review its Rules and Regulations and prepare a timeline to produce any proposed amendments. *This communication was placed on the February 22, 2021 Agenda.*

Chairman Lynch determined that all edits and suggested changes would be submitted for the April meeting, the city clerk's office will assist in formatting the proposed changes, it would then be sent to the Law Department for their review and suggestions and then it would come back to the Licensing Commission for a final vote at the May Licensing Commission meeting.

See the discussions below on this matter.

- 5a. Commissioner Allen proposing the removal of Section 4.

A discussion was held on this matter. Commissioner Allen is proposing to remove Section 4. He did some research on this Section and the relevant Mass. MGL laws this section refers to were passed in 1922. This is a prohibition era law for regulating bars that transitioned to non-alcoholic beverages. This section is not applicable to any of our current licensees. He consulted with City Clerk John Long and currently no one is listed under this section.

- 5b. Commissioner Allen proposing language to update Section 1.12.b to explicitly not apply to breastfeeding.

Commissioner Allen stated this is a very minor language modification and believes the views regarding breastfeeding and establishments are quite clear. The commission has previously acted to enforce allowing such activities, however the language in the rules and regulations is a little too strict in forbidding, in what he assumes, is a reference to strip clubs. Chairman Lynch recommends merging this language with the State's Language on breastfeeding. He also suggests that 2 commissions regulate breastfeeding in the City of Somerville, the Licensing Commission and the Human Rights Commission. Commissioner Lindgren has started a new position and has not been able to review and provide feedback on this issue. She states she can make a commitment to do this. Chairman Lynch stated he would like to get both commissioners feedback and prepare a draft document and then he can review this in depth. He also stated he believes this will be a fluid document and will be added to and deleted from, and would like to discuss this at the April Licensing Commission Meeting and perhaps vote on any changes at the May Licensing Commission Meeting. Chairman Lynch requests any revisions submitted be sent to the City Clerk and the Commissioners for review (keeping in mind the correct procedures for the Open Meeting Law Requirements). Commissioner Allen asked about the removal of Section 4 and if this section is needed, where we are not currently exercising this rule. Chairman Lynch has no objections to this removal. Commissioner Allen also questioned whether the commission needs to keep these laws and regulations and to loop in the law department on this matter. He also asked if the commission needs to have laws on nudity in the rules and regulations that may be covered by existing municipal ordinances. Chairman Lynch felt these were good questions, but did not have answers to them. The reasons these rules were placed in the policies and procedures may be outdated, and this is why he has requested this review. He also wants to ensure any changes made will not hinder new rules and regulations on CBD infused drinks. Commissioner Lindgren asked about the final signoff process on this matter, and when a final decision is made who it is submitted to. Chairman Lynch stated first the commission reviews, then makes suggested edits and changes, City Clerk John Long would be given the edits for suggestions, then it would be sent to the City Solicitor, the City Solicitor would send these back to the commission to discuss in

an open forum to adopt, edit or change the policies and procedures. The Commission would then vote on the revisions. A complete revision would then be submitted by one of the commissioners, to the commission, and it would then be passed.

EXISTING ALL FORMS ALCOHOL PRIVATE RESTAURANT LICENSE
REQUESTING CHANGE OF MANAGER

Continued from January 25, 2021 & February 22, 2021

6. Parisi's d/b/a Mike's Bar, 97 Washington St. requesting a Change of Manager from Robert Parise to Jana Brinkhaus (ALM20-000176)
On January 25, applicant requested to continue this item to the February 22 Meeting (unable to stay past 9:15pm). On February 22, applicant did not appear.

Jana Kilduff Brinkhaus appeared for this application. She is the manager of record. Mr. Parisi has passed away and Ms. Kilduff Brinkhouse is taking over as manager. This is a family business established in 1953, and she has grown up with this business. She is Tip Certified. They will have a restaurant manager at the establishment 5 days a week.

The Commission approved this Change of Manager

NEW COMMON VICTUALLER APPLICATIONS

7. Julio Pleitez d/b/a Cristian Latin Catering Cuisine, 854 Broadway, Julio Pleitez. Hours of Operation (Days not listed): 9:00am-9:00pm. (AL21-000001)

Cristian Surian appeared for this application. He states he will be the manager of record. Primarily catering with a few tables and a small takeout menu. Days of Operation 9am-9pm, 7 Days a week (Sun. – Sat.). The secretary will update the application for the days of operation. This applicant has another restaurant in Somerville, Don Julio Restaurant. Will have 2 tables with 3 seats, in the future (post covid). HASP and Control Plan to be submitted prior to seating being implemented.

The Commission approved this Common Victualler License

8. Adhikari Inc., d/b/a Veggie Indian Palace, 233 Elm St., Lokesh Adhikari. Hours of Operation: Sun-Thu 11:00am-11:00pm & Fri-Sat 11:00am-12:00am. (AL21-000003)

Lokesh Adikari appeared for this application. Currently owns 2 additional restaurants in Somerville, Momo and Curry and Mint Indian Eatery. Opened these restaurants in 2015 & 2016. The floor plan is non covid. He will not have seating indoors until covid is over.

The Commission approved this Common Victualler License

EXISTING ALL FORMS ALCOHOL PRIVATE RESTAURANT LICENSE
REQUESTING CHANGE OF D/B/A

9. Union Square Group Inc. d/b/a Brass Union requesting approval for a Change of d/b/a from Brass Union to Vera's. (ALM21-000010)

Jess Willis appeared for this application. This is just a d/b/a change, everything else is remaining the same. Ms. Willis paid the ABCC fee to the ABCC in error (a fee is not required for this transaction).

The Commission approved this D/B/A Change.

REQUESTING AN ALTERATION OF PREMISES
FOR TEMPORARY OUTDOOR PATIO SEATING

10.

LICENSE	BUSINESS NAME	ADDRESS	STATUS	APP. TYPE	COM- PLETE	CURRENT/ NEW	PUBLIC/ PRIVATE
AL17-000119	Davis Square Food Services Inc. d/b/a Boston Burger	37 Davis Sq.	Winter Cert.	Winter Cert.	Yes	Current	Private
ALM21-000007	Taqueria Montecristo d/b/a Montecristo	146 Broadway	Expanding	Adding Private Seating	Yes	Current/New	Public/Private
ALM21-000008	Area Celeste, LLC d/b/a Celeste	21 Bow St.	Expanding	Street Parklet	Yes	New	Public
ALM21-000011	Bow Market Entertainment Inc.	337 Somerville Ave.	Adding Structures	Adding Greenhouses	No	Current	Private
ALM21-000003	LDDJ Inc. d/b/a Dave's Fresh Pasta	79-83 Holland St.	New Temporary	12 seats & 6 Tables	No	New	Public

Boston Burger – This license was previously approved by the commission. A “new” floor plan was submitted, but it is the same floor plan previously approved

Taqueria Montecristo - Sue Thomas spoke for this application. Economic Development has conditionally approved this application, and they have no objections for this expansion.

The Commission provisionally approved this Outdoor Seating License, pending all required department signatures

Celeste – Maria Rondo appeared for this application. Sue Thomas spoke for this application. Shared Streets on Bow St. is not being offered this year. Celeste will operate as a parklet in lieu of shared streets. Sidewalk seating will not be implemented (is not covid compliant). Economic Development has conditionally approved this application.

The Commission provisionally approved this Outdoor Seating License, pending all required department signatures

Bow Market – Zach Baum appeared for this application. The secretary confirmed the application is now complete. They are proposing 4 structures, suited for 2 and 4 persons. A determination will be made as to whether they will be used in the summer (these structures can get very hot). Chairman Lynch reminded Mr. Baum that these structures must be ADA compliant. Commissioner Lindgren reminded Mr. Baum to make sure there is no lip impeding wheelchair access. Mr. Baum asked about the electric condition of no extension cords. His understanding is that because these structures are temporary, (approx. 90 days), that he would be able to use extension cords for lighting and would like some clarification on this). Chairman Lynch stated this condition is not within the purview of the Licensing Commission. He referred Mr. Baum to ISD inspector Mr. Powers and to contact the secretary to implement this clarification.

The Commission provisionally approved this Outdoor Seating License, pending all required department signatures

Dave's Fresh Pasta – This application was withdrawn

LATE ITEMS

EXISTING ALL FORMS ALCOHOL CITY-HELD RESTAURANT LICENSE **CHANGE OF MANAGER & CHANGE OF HOURS**

11. Rockwell Restaurant Group LLC d/b/a Foundry on Elm, Saloon, The Rockwell, 255 Elm St. requesting approval for a Change of Manager from Chris Yorty to Jess Willis, and a change of hours as follows: (ALM21-000004)
- Indoor Food Service:
FROM Mo-We 11:30am-11pm, Th-Fr 11:30am-12am, Sa 11am-12am, Su 10:30am-11pm
TO Mo-Fr 11am-12am, Sa-Su 10am-12am
- Indoor Alcohol Service:
FROM Mo-Th 11:30am-1am, Fr 11:30am-2am, Sa 11am-2am, Su 10:30am-1am
TO Mo-Th 11am-1am, Fr 11am-2am, Sa 10am-2am, Su 10am-1am
- Outdoor Food Service on Public Property:
FROM Mo-We 11:30am-11pm, Th-Fr 11:30am-12am, Sa 11am-12am, Su 10:30am-11pm
TO Mo-Fr 11am-____, Sa-Su 10am-____ (closing time for the Streatery to be determined by the Commission)
- Outdoor Alcohol Service on Public Property:
FROM Mo-Th 11:30am-____, Fr 11:30am-____, Sa 11am-____, Su 10:30am-____
TO Mo-Fr 11am-____, Sa-Su 10am-____ (closing time for the Streatery to be determined by the Commission)

Jess Willis appeared for this application. Ms. Willis will be the manager of record until she is able to bring Chris Yorty back. She has 3 other managers to help manage these establishments. This amendment is for all 3

Restaurants. Ms. Willis will be starting Brunch again. She would like to open at 10am on Saturday & Sunday. She would like to open at 11:00am, Mon-Thu. Both Indoor and Outdoor service will be at the same time.

Ms. Willis has a 2am license for all 3 establishments, but is not currently open until that time due to covid. Ms. Willis is Tips Certified.

The Commission approved this Change of Manager & Change of Hours for Foundry on Elm, Saloon and The Rockwell

**REQUESTING AN ALTERATION OF PREMISES
FOR TEMPORARY OUTDOOR PATIO SEATING**

12.

<u>LICENSE #</u>	<u>BUSINESS NAME</u>	<u>ADDRESS</u>	<u>STATUS</u>	<u>APP. TYPE</u>	<u>COM- PLETE</u>	<u>CURRENT/ NEW</u>
ALM21-000012	Painted Burro	219 Elm St	Expanding	Adding Structures	Yes	Current
ALM21-000013	Rosebud	381 Summer St.	Expanding	Adding Structures	No	Current
ALM21-000014	Posto	187 Elm St.	Expanding	Adding Structures	Yes	Current

Painted Burro - Sue Thomas, Economic Development spoke on this application. This application is based on last years' outdoor seating. The applicant went forward building this structure prior to submitting an application for approval. Nick in ISD placed a stop work order on building this structure. Economic Development will review this application to ensure it is within compliance for ADA, design and social distancing related requirements. This application was submitted today.

The Commission provisionally approved this Outdoor Seating License, pending all required department signatures and confirmation that this establishment has performed and been approved for their annual renewal license.

Rosebud - Sue Thomas, Economic Development spoke on this application. This establishment is a short distance away from Painted Burro, separated by 1 other restaurant also owned by Alpine Group. Economic Development wants to ensure that all 3 businesses are within the realm of their particular restaurant, if it encroaches into other restaurant they need to have a written email correspondence that informs Economic Development that they have worked together with neighboring businesses' to make this agreement, such as other areas of the city for outdoor seating that this policy is in place. Ms. Thomas stated they will continue to work with the owner, but expressed concern over doing this without submitting the appropriate application. This created uncertainty of what the structure would look like. Lt. MacLaughlan stated if

this application is approved, and this is a similar structure to Painted Burro, there will be limitations in front of the Rosebud. Last year they had a bicycle rack up and a Fire Hydrant that they maintained an opening to. This wooden structure is going to need to be down sized in the length, to keep the fire hydrant open.

The Commission provisionally approved this Outdoor Seating License, pending all required department signatures and confirmation that this establishment has performed and been approved for their annual renewal license.

Posto - Sue Thomas, Economic Development spoke on this application. Nick Antanavica stated they will review these applications for compliance. Posto had not yet started construction. Ms. Thomas stated she has worked with Joe Cassinelli on multiple occasions regarding his outdoor seating, including last year. They will review this application to ensure it is within compliance for ADA, design and social distancing related requirements. Commissioner Allen asked if part of the modifications to Posto are they going to bring this into compliance with the initial requests which included parking accessibility for a handicap parking space. Chairman Lynch requested of Sgt. Chaille to pay a visit to Posto to ensure compliance on this matter. He also stated according to Chair Denis, this establishment does not currently have outdoor furniture set out in the parking lot. Chairman Lynch will request Sgt. Chaille to make an inspection and have a conversation on this matter with the owner. Sgt. Chaille will make a report on whether there is a violation on this issue.

The Commission provisionally approved this Outdoor Seating License, pending all required department signatures and confirmation that this establishment has performed and been approved for their annual renewal license.

*Chairman Lynch stated, for all 3 applications, he would like assurances from the City Clerk's office that the master licenses for all three establishments, have completed all the required normal pre-covid inspections. Notice was sent out in November to renew these licenses. Chairman Lynch wants to be assured, to put this condition (they have received all necessary City Inspections), on these licenses prior to the issuance of these Outdoor Seating licenses. *See the provisional approvals on these applications above.*

COMMUNICATIONS

13. Bonnie Denis, Chair of Somerville Commission for Persons with Disabilities, regarding concerns with businesses adding greenhouses for outdoor dining not in compliance with ADA guidelines.

The Chairman took this item out of order to discuss. Chair Denis discussed her concerns regarding noncompliance of ADA guidelines. She spoke about Genki Ya, they have a lip at the bottom of the doorway to enter the structures, and their door way is too narrow for wheelchair access. She asked about signoffs on this outdoor seating license and requested a status on the matter. Chairman Lynch explained this is a 2 part issue. The first is her notice to the commission of possible noncompliance of the outdoor seating. The commission gives conditional approval or denies the application. If approved, multiple departments are required to sign off. Chairman Lynch stated it is his understanding that economic development and signatures of other required departments, make conditions on the license and inspect the area. Chair Denis stated the guidelines in place through economic development clearly indicate ADA compliance, however the Winter readiness guideline do not mention ADA compliance at all. Chair Denis asks if there is a disconnect in the process and if the structures have been inspected yet. She would also like to work with the process to ensure compliance. Chairman Lynch will work with City staff to get Chair Denis answers to her questions on Genki Ya ADA compliance. He stated that the guidelines distributed must make it clear, in no instance will the commission ignore ADA compliance. He also wants to ensure that other department approvals are ADA complaint, currently active now. Commissioner Allen stated the last document provided by Economic Development to the commission seems to have changed, and the commission has not been made of aware of this. He requests an updated guideline on this matter.

14. Thomas F. Galligani, Jr., Director of Economic Development, regarding the Somerville Covid-19 Outdoor Performance Policy:
- On March 11, 2020, the City temporarily cancelled all City-sponsored and permitted events to mitigate the spread of COVID-19. On May 15, the cancellations were extended through the end of the 2020 calendar year. Since May, new research about COVID-19 transmission has been published that expands our understanding of risk factors, including 1) COVID-19 transmission occurs significantly less in outdoor, open-air settings compared to indoor settings and 2) community mask usage is an effective strategy for reducing transmission.
 - The artist community, small business owners, venue operators, and other stakeholders have convened over multiple working sessions to develop a plan for safely resuming outdoor activities. Safe, socially distanced outdoor events can create multiple benefits for the city, including providing residents with safer alternatives for addressing pandemic fatigue and supporting Somerville artists and small businesses. This plan seeks to maximize these benefits while addressing risks in COVID-19 transmission by limiting activities with aerosol projection, and providing guidelines for crowd size, social distancing, and event duration.
 - At this time, the City proposes the first step in the plan to include the reintroduction of limited events within our public and privately-owned spaces.

Activity Type	Risk Level
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Level 1 Performance. Arts performances with no or almost no vocal projection/ aerosol emission e.g. dance, circus, mime, instrumental musicians (excluding brass and wind)	Level 1 performances are the lowest risk since there will be very little vocal projection from the performers and audience. These performances should be the first allowed.
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- All activities will be required to follow City and state health and safety guidelines, existing permitting procedures, and in addition, complete a hazard and safety plan (HASP). Performers and event organizers/ operators are responsible for ensuring compliance with mask wearing, social distancing guidelines, event duration, and other elements of the HASP plan.

General Requirements

1. Face Coverings
 - Performers must wear a mask at all times. Exceptions may be granted for specific performance types (e.g. brass and wind instrumentalists).
 - Audience members and participants must wear a mask at all times.
 - Performers and event organizers/ operators must ensure compliance with mask wearing.
2. Social Distancing
 - Performers must maintain a distance of at least 6' from the nearest audience member. If there is more than one performer, performers must maintain a 6' social distance from each other.
 - Performers and event organizers/ operators must ensure compliance with social distancing.
3. Crowd Size
 - Crowd size cannot exceed the City's guidelines for outdoor events and/or venue capacity, whichever is lower.
 - Performers and event organizers/ operators must have a system for monitoring crowd size and ensuring compliance with event size limitations.

Licensing

1. **Performances and Community Markets on Public Property:** All performances will be required to submit a HASP and must follow existing licensing procedures.
 - Parks: apply to the Parks and Rec department for a performance in a park through somervillerec.com
 - Non-parks: apply for a public event license (if needed) through Citizenserve
2. **Adjustment to an Entertainment License:** Organizations and businesses that are looking to add outdoor performances to their premises should apply for an amendment to their existing license in Citizenserve. In addition, businesses must submit a HASP.

Director Galligani spoke on the Somerville Covid 19 Outdoor Performance Policy. He stated they have been working with a group of venue and restaurant owners led by Greg Jenkins of the Arts Council for approximately 4 months. The city remains

cautious and will allow limited performances with adequate distancing (no brass and wind or singing), face coverings at all time and limit the crowd size. A health and safety plan will also be required. A discussion was held on the distance requirements. A draft template has been prepared for this purpose, for the applicant/venue/restaurant to submit. Singing is not allowed. Chairman Lynch asked about amplification outdoors. Economic Development does not have a policy for amplification and may be covered by other means, such as local ordinance or the licensing commission. He stated that regulating sound is a separate and distinct matter. The governor's orders cannot be overridden, the city can be more strict, but cannot be less strict. Chairman Lynch stated, amendments to these licenses can be conditioned with days and hours of operation. Director Galligani said he believed that this is under the purview of the Licensing Commission. Chairman Lynch also stated the City of Somerville the mayor or the administration, cannot override or extend beyond or lessen the governors orders, and the mayor takes this into account, and issues his own guidance, rules and regulations. Director Galligani stated we are at level 1 right now, and won't be at level 2 or 3 for at least a couple of weeks or longer. Chairman Lynch requested the City Clerk's office contact Ralph Sacramone at the ABCC for clarification/interpretation of Governors orders, and he received a reply, but still has a couple of questions about amplification and complaints received. He has concerns about a "battle of the bands", and how electricity is being accessed. Lt MacLaughlan stated to Chairman Lynch that extension cords will not be allowed. He is also concerned about residential areas surrounding the outdoor seating areas, and how it is controlled. Chairman Lynch suggested a couple of conditions: limiting the hours (pre pandemic outside performances stopped at 10pm), days of operation were governed by the license issued. Commissioner Lindgren expressed concern about the ending of entertainment and the time limit allowed at the establishment (90 minutes). Chairman Lynch questioned if the temporary performers would be counted against capacity and would they also be prohibited from spending more than 90 minutes in the outdoor patio areas. Commissioner Allen stated he feels the commission needs some additional time on this matter, due to existing language on entertainment on the premises not being allowed to be heard outdoors. Chairman Lynch stated indoor entertainment and outdoor entertainment are governed by existing ordinances, and economic development has been involved in this process for festival season. The question about public events and 1 day licenses with alcohol was raised, that includes entertainment. The city is not at that level yet. Chairman Lynch would like to sit with the City Clerk, Police and the Director of Constituent Serves with a few more questions in terms of trying to sync this with what the commission does with other events. Chairman Lynch would like a day to send the commission's questions and receive answers, before voting on this matter, and would like to reconvene before the end of the week to vote on this matter. The commission decided to schedule a special meeting on Thursday to vote on this matter.

This matter was continued to Thursday, March 18, 2021 for a Special Meeting

Chairman Lynch expressed his thanks to Lt. MacLaughlan for all his help and expertise while serving on the Licensing Commission and wished him a happy retirement. He also welcomed Capt. Sullivan to the commission.

